STATE OF CALIFORNIA PETE WILSON, *Governor*

DELTA PROTECTION COMMISSION
14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293

September 12, 1997

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Briefing on CALFED Ecosystem Restoration Program Plan (ERPP); Summary and Three Volumes

Proposed Action: The Commission will receive a briefing and discuss the Draft ERPP proposed by CALFED and currently being circulated for review and comment. Comments are due October 14, 1997. After discussion, the Commission should consider sending a letter to CALFED. Included in this mailing packet are: a draft comment letter to CALFED; a summary of the ERPP restoration program; maps of the four subareas; and excerpts from Volume II and Volume III.

Background:

The ERPP is a "common element" of the CALFED program; a proposal that will be included in whichever of the alternatives now under consideration by CALFED is selected for implementation.

The ERPP will be described and its environmental impacts evaluated in the Draft Environmental Impact Report (DEIR) currently being prepared by CALFED and due to be released in November, 1997. The Final EIR is due to be adopted in November, 1998. At that time the overall CALFED program would be implemented.

Projects which provide a "jump start" to the restoration of the ecosystem of the Bay, Delta and watershed are being funded under the Category III program. The first two years were funded only by the water agencies at ten million dollars per year. This is the first year that funds will be distributed by CALFED; funds are being provided from Prop 204 bond funds.

Implementation of the ERPP:

The ERPP will be implemented over a 25 year period. The goal is to restore habitat necessary to restore levels of special status species and native species to levels specified in the ERPP (for fisheries, the goal is to restore to levels measured in the 1960's). It is estimated the ERPP program will cost 1.5 billion dollars.

Acquisition Program:

The ERPP states acquisition of land to carry out the restoration program would be "willing seller" only. How values of land would be determined is not addressed; any limitations on acquisition funds is not addressed. No source of funds for acquisition of lands or easements, nor for improvements or management was specifically identified in the ERPP.

Restoration of the agricultural lands to tidal perennial aquatic habitat (7,000 acres) and tidal fresh emergent wetland habitat (30,000 to 45,000 acres) would likely be purchased from current landowners; these areas would probably be held by a non-profit group or a governmental agency. Areas proposed to be restored to nontidal fresh emergent wetland habitat (20,000 acres), including nontidal perennial aquatic habitat, would also likely be purchased from current landowners but might be held by a duck club, non-profit group, or governmental agency. Areas proposed for seasonal wetland habitat (50,000 to 60,000 acres) could be retained in private ownership with purchase of a flood or conservation easement, similar to the management of the Yolo Bypass.

Deltawide Goals of the ERPP for Habitat Restoration:

Regionwide, the ERPP proposes to restore much of the Legal Delta to marsh and water-covered areas, both tidal and nontidal, and both permanent and seasonal. DWR acreage figures for the Legal Delta (1993) are:

TOTAL AREA:	738,493
WATER-COVERED AREA:	61,120
LAND AREA:	677,373

DWR acreage figures for the Zones of the Delta are:

PRIMARY ZONE TOTAL:	491,774
LAND:	440,774
WATER:	51,000
SECONDARY ZONE TOTAL:	246,718
LAND:	236,598
WATER:	10,120

Approximate restoration figures, not including acreage for riparian habitat restoration (where an overall figure was given, the acreage has been divided equally between the four units) are listed below and apply only to conversion of LAND areas:

NORTH:	28,750
EAST:	30,250
SOUTH:	38,250
CENTRAL/ WEST	40,750
TOTAL:	138,000

Location of Lands Suitable for Restoration:

The areas suitable for restoration will likely be lands currently in agriculture in the Delta Primary Zone. Areas within the Legal Delta in urban land uses, such as West Sacramento, Sacramento, Laguna area of Sacramento County, Stockton, Lathrop, Tracy, Brentwood, Oakley, Antioch and Pittsburg, will not be available for conversion to habitat. Lands in areas within Spheres of Influence may be too expensive for acquisition for conversion to habitat.

Areas suitable for restoration to nontidal fresh emergent wetland habitat must be located at the edges of the Delta where the elevations are higher. The lands on the rim of the Delta have a higher percentage of mineral soils and have not subsided as have the peat soil areas of the Central and Western Delta. However, these agricultural lands are lands which are most suitable for long-term agricultural use, due to their elevational stability.

Areas in the Central and Western Delta which have subsided to ten to fifteen feet below sea level are not suitable for restoration to tidal habitat at this time; but could be filled with material to raise the interior elevations, or peat soils may be "regrown" by raising and flooding fields of tules (DWR and USGS current experiments on Twitchell Island). Some of those lands may be suitable for restoration to nontidal fresh emergent wetlands, but would require long-term commitment of levee maintenance.

Some islands and tracts may be suitable for individual parcels to be restored to habitat; however, due to constraints of elevation, soils, water transport, and water drainage, restoration of some parcels could adversely impact agriculture on the remainder of an island. Each potential restoration site which is less than an entire island would have to be analyzed for suitability.

Impacts to Delta Primary Zone Agriculture:

The proposed long-term goal of restoring between 110,000 and 140,000 acres of agricultural land to habitat, assuming most affected land is in the Primary Zone, would diminish the land in agricultural land use in the Primary Zone from 378,160 (DWR figures for 1993) to 238,160 or a reduction of approximately 37%.

ERPP Proposals Regarding Reduction or Elimination of Stressors:

The ERPP identifies a number of "stressors" which the program proposes to reduce or eliminate as part of the overall ERPP implementation. The implementation of the proposed programmatic actions could impact existing land uses, and/or have an economic impact on existing land uses. (The objective and action are taken from Volume II of the ERPP; the staff discussion includes comments by Delta Protection Commission staff.)

Entrainment:
Objective: Reduce entrainment of aquatic organisms and nutrients at water diversions to increase survival of juvenile fish and maintain the food web.
Action: Consolidate and screen agricultural diversions in the Delta.

Staff Discussion: Entrainment results in fish and their eggs being transported from Delta waterways into Delta agricultural fields. The impacts differ depending on the time of year, time of day, location of the intake, elevation of the intake, water flow, and many other factors. Existing State policy sets out a program of screening new intakes and screening intakes over time depending on the potential impacts of the diversions and the size of the diversion. A regionwide program based on currently on-going research to prioritize screening and consolidation should be developed to balance the high costs of the proposed actions and the intended benefit to aquatic species.

Riparian Vegetation on Levees:
Objective: Reestablish natural vegetation within narrow levees, consistent with flood protection needs and new levee vegetation management guidelines approved by the Reclamation Board on 50 to 175 miles of levee in the Delta.
Action: Enter into agreements with willing levee reclamation districts to change levee and berm vegetation management practices to establish and mature shoreline riparian vegetation...Reimburse districts for any additional maintenance and inspection costs.

Staff Discussion: How much riparian vegetation of what type and size has been the subject of discussion between land managers and state and federal agencies for several years. At this time, only limited vegetation is allowed on the levees themselves due to the need to be able to quickly and easily inspect and maintain the levees for flood control purposes. The consensus of agencies and land managers at this time is that waterside berms are the best place for growing riparian vegetation; areas where the

land-water interface can be maximized without jeopardizing the stability of the levee. If the action refers to waterside berms; this proposal is in conformance with Commission goals. Additional vegetation on the levees would need revision of State and federal regulations, plus consideration of current mitigation requirements associated with removal of riparian vegetation for levee maintenance.

Dredging:
Objective: Reduce the loss and degradation of important aquatic habitat and vegetated berm islands caused by dredging...Reduce impacts of dredging on aquatic resources during the main spawning and rearing periods and in sensitive areas...
Action: Use alternate sources (rather than Delta inchannel sources) of levee maintenance material...Restrict or minimize effects of dredging near existing midchannel tule islands and shoals that are vulnerable to erosion and exhibit clear signs of area reduction...Avoid dredging during spawning and rearing periods for delta smelt and during rearing periods for winter-run chinook salmon.

Staff Discussion: Historically inchannel material was used for construction and maintenance of Delta levees. The material was economical and dredging maintained channels for flood control, navigation, and water conveyance. Current regulations preclude dredging of in-channel islands; shallow, vegetated areas (marshes and wetland); polluted materials; and during critical periods in the life cycle of several aquatic species. Dredged material is still much less expensive than imported materials (approximately 25% of imported material). Importation of material for levee maintenance will add substantially to the cost of levee maintenance, especially on those islands without road access.

Contaminants:
Objective: Reduce contaminants and loadings of contaminants in the aquatic environmental and the subsequent bioaccumulation of them in aquatic species...
Action: Reduce the input of herbicides, pesticides, fumigants, and other agents toxic to fish and wildlife in the Delta by changing land management practices and chemical uses on 50,000 acres of urban and agricultural lands that drain untreated into Delta channels and sloughs. Actions will focus on modifying agricultural practices and urban land uses on a large scale. To reduce the concentration of pesticide residues, the amount applied will be reduced and the amount of pesticide load reaching the Delta's aquatic habitats will be further reduced by taking advantage of biological and chemical processes within wetland systems to help break down harmful pesticide residues.

Staff Discussion: Clearly protection of water quality in the Delta is necessary to protect all three major existing land uses in the Delta: agriculture, wildlife habitat, and recreation, plus the quality of water exported from the Delta. To determine the source of pollutants affecting water column toxicity in the Delta, Delta agricultural discharges were monitored by the Central Valley Regional Water Quality Control Board in the

early 1990's. The tests indicate the source of pollutants found in Delta waterways is upstream urban and upstream agricultural dischargers. Delta agricultural land managers should continue to carefully conform to State requirements regarding use of chemicals.

Disturbance:
Objective: Manage boat traffic in sensitive habitat areas to reduce boat wake erosion and to protect of buffer the remaining channel islands from boat wake erosion.
Action: ...Establish and enforce no wake zones...in Disappointment Slough...White Slough...Middle and Old Rivers...Mokelumne River...Snodgrass Slough...Beaver, Hog, and Sycamore Sloughs in areas with remnant berms and midchannel islands. Establish and enforce no wake zones within 50 yards of important California Black rail nesting areas in the Delta from March to June...no motorized boating zones in 5 to 25 miles of existing dead-end channels in the Delta from March to June....no motorized boating zones in the small tidal channels created in restored tidal freshwater marshes and Delta floodplains of levee setbacks.

Staff Discussion: The Commission is charged with protection of existing Delta land uses (agriculture, wildlife habitat, and recreation), and seeks to balance changes in those uses. Speed controls and no wake zones should be analyzed in a Deltawide program which would protect existing water-oriented recreation and the viability of existing commercial recreational facilities, the integrity of the Delta levees, and critical wildlife habitat. Currently time of day restrictions, speed zones, and special use areas are under the jurisdiction of local governments and, in some cases, the Department of Boating and Waterways.

DRAFT

Lester Snow, Executive Director
CALFED Bay-Delta Program
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: Advisory Comments on the Draft Ecosystem Restoration Program Plan (ERPP); Summary and Three Volumes

Dear Mr. Snow:

I am writing on behalf of the Delta Protection Commission to submit comments on the Draft ERPP. The Delta Protection Commission is a State-authorized regional planning agency with no authority over State or federal actions or activities, so these are advisory comments only. The comments are based on the goals of the Delta Protection Act of 1992 and on the policies in the Commission's adopted plan for the Primary Zone of the Delta.

While the Commission supports the overall CALFED planning process and its extraordinary mandate to resolve the conflicting issues concerning water and wildlife in the Delta, the Commission is concerned that the vast acreage proposed for restoration to tidal and nontidal wetlands will have a devastating effect upon the agricultural land uses in the Delta Primary Zone. The suggested land use changes would have widespread and detrimental socio-economic impacts on the entire Legal Delta and surrounding area. The Draft ERPP recommends restoration of between 110,000 and 140,000 acres of habitat; there are currently 527,309 acres in agriculture in the Legal Delta, of which 378,160 acres are in the Delta Primary Zone (DWR, 1993).

The Delta Protection Act of 1992 finds and declares that the basic goals of the State of California for the Delta are to "protect, maintain, and, where possible, enhancement and restore the overall quality of the delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities". To that end the Commission is charged with assuring orderly, balanced conservation and development of delta land resources. The Act and the Commission's adopted plan recognize the value of the Delta's agricultural lands and the unique value of these lands for open space and as seasonal habitat for migratory waterfowl and

other species. A key component of the Act and the plan is protection of the Delta's levee system which provides flood protection and protects Delta water quality from salinity intrusion.

The policies in the Commission's plan have been incorporated into the General Plans of the five counties in the Delta Primary Zone. Those policies recognize the value of the region's agricultural lands and the unique opportunities for seasonal wildlife habitat afforded thereon, and the value of its water and wildlife-oriented recreation.

The Draft ERPP should be revised to focus enhancement and restoration efforts actions as follows:

Restoration and enhancement of lands currently in public and/or nonprofit ownership (or currently in the acquisition process) and designated for restoration, including Twitchell Island, Sherman Island, Prospect Island.

Acquisition and enhancement of currently flooded lands to create and/or enhance emergent habitat, including Franks Tract, Big Break, Mildred Island, Little Mandeville Island, etc.

Development and implementation of management plans for upland areas already in public or nonprofit ownership, including Calhoun Cut Ecological Preserve, Rhode Island, etc.

Development and implementation of individual management plans for private agricultural properties and development of funds to offset costs of voluntary implementation of such plans (plans could include flooding programs, enhanced levees and pumps to enhance flooding and drainage, recommended crop rotation cycles, size and location of permanent brood ponds, etc.)

Development and implementation of individual management plans for privately-owned lands managed for wildlife habitat, such as duck clubs and upland hunting clubs, and development of funds to offset costs of voluntary implementation of such plans.

Control of stressors should be revised to avoid duplication with existing regulatory programs, and programs developed that respect the needs of existing land uses. Where funds are needed to carry out specific programs, those funds should be made available to private landowners to implement CALFED programs.

Protection, enhancement and restoration of in-channel islands and waterside berms.

Acquisition and retirement of additional privately owned agricultural lands should be conditioned to ensure: (1) proposed restoration projects will not adversely impact Delta water quality, particularly salinity levels; (2) proposed actions would not adversely impact existing uses or adjoining lands or adjacent islands; and (3) acquisition should be on a willing seller basis only.

The Commission understands that the Draft ERPP is the first steps in the development of a plan to cover extensive portions of the State of California and that CALFED will also be preparing a habitat conservation plan for the Delta area. The habitat conservation plan would be more specific in scope, and would address in more detail many aspects only generally described in the ERPP.

We would like to work with CALFED to develop a reasonable and effective plan, and implement an ecosystem restoration program in the Delta Primary Zone to protect and enhance wildlife habitat, while protecting the unique agricultural resources of the area and recreational opportunities in the Delta.

Sincerely,